



## Department of Health

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

August 12, 2019

Honorable Andrea Inman  
Audit Director  
Division of State Government Accountability  
NYS Office of the State Comptroller  
110 State Street, 11th Floor  
Albany, New York 12236

Dear Ms. Inman:

Pursuant to the provisions of Section 170 of New York State Executive Law, I hereby transmit to you a copy of the New York State Department of Health's comments related to the Office of the State Comptroller's final audit report 2018-S-45 entitled, "Medicaid Overpayments for Inpatient Care Involving Mechanical Ventilation Services."

Please feel free to contact Estibaliz Alonso, Assistant Commissioner, Office of Governmental and External Affairs at (518) 473-1124 with any questions.

Sincerely,

Sally Dreslin, M.S., R.N.  
Executive Deputy Commissioner

Enclosure

cc: Estibaliz Alonso

**Department of Health**  
**Comments on the Office of the State Comptroller's**  
**Final Audit Report 2018-S-45 entitled, "Medicaid Overpayments for**  
**Inpatient Care Involving Mechanical Ventilation Services"**

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The following are the Department of Health's (Department) comments in response to the Office of the State Comptroller's (OSC) Final Audit Report 2018-S-45 entitled, "Medicaid Overpayments for Inpatient Care Involving Mechanical Ventilation Services."

**Recommendation #1:**

Review the \$975,795 in overpayments we identified and make recoveries, as appropriate.

**Response #1:**

The Office of the Medicaid Inspector General will review the identified overpayments and determine an appropriate course of action.

**Recommendation #2:**

Formally remind hospitals to use the ICD procedure code that represents the duration of time the patient received mechanical ventilation services.

**Response #2:**

The Department is in the process of determining an appropriate course of action to advise hospitals to accurately report the duration of time the patient received mechanical ventilation services when billing Medicaid to ensure appropriate payment.

**Recommendation #3:**

Establish payment controls that validate the duration of mechanical ventilation services that hospitals claim.

**Response #3:**

The Department is currently reviewing an appropriate method to validate the duration of mechanical ventilation services that are claimed by hospitals.